

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>ETHAN SCHNITKER,</b>  <b>Defendant.</b>	<b>3:23-CR-30061-RAL</b>  <b>REPORT AND RECOMMENDATION FOR DISPOSITION OF MOTION TO SUPPRESS STATEMENTS</b>
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Ethan Schnitker moved to suppress statements he made to a child protection specialist and an FBI agent on voluntariness grounds.<sup>1</sup> Because Schnitker’s motion is a dispositive one, the Court is only authorized to determine the same on a report and recommendation basis.<sup>2</sup> Based on the findings, authorities, and legal discussion made on the record at the October 24, 2023, hearing, the Court

RECOMMENDS that the suppression motion—seeking exclusion of allegedly involuntary statements Schnitker made on October 19, 2021, and February 4, 2022—be denied.

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<sup>1</sup> Docket No. 19; Mot. Hr’g Tr. 4-6 (Oct. 11, 2023).

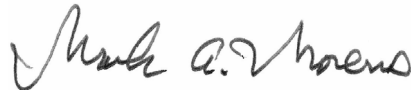
<sup>2</sup> See 28 U.S.C. § 636(b)(1).

**NOTICE**

The parties have 14 calendar days after service of this report and recommendation to object to the same.<sup>3</sup> Unless an extension of time for cause is later obtained,<sup>4</sup> failure to file timely objections will result in the waiver of the right to appeal questions of fact.<sup>5</sup> Objections must “identify[] those issues on which further review is desired[.]”<sup>6</sup>

DATED this 24th day of October 2023.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Mark A. Moreno", is written over a horizontal line.

**MARK A. MORENO**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>3</sup> See 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b).

<sup>4</sup> See *Thompson v. Nix*, 897 F.2d 356, 357 (8th Cir. 1990); *Nash v. Black*, 781 F.2d 665, 667 & n.3 (8th Cir. 1986) (citing *Thomas v. Arn*, 474 U.S. 140, 155 (1985)).

<sup>5</sup> See *Thompson*, 897 F.2d at 357; *Nash*, 781 at 667.

<sup>6</sup> *Arn*, 474 U.S. at 155.